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APR 24 2002

In re Application of
Juan C. Alvarado et al
Application No. 09/741,618
Filed: December 18, 2000
Attorney Docket No. 59.0038

OFFICE OF PETITIONS
DECISION GRANTING
PETITION

This is a decision on the petition filed June 4, 2001, requesting that the above-identified application be accorded a filing date of December 18, 2000, rather than the presently accorded date of December 21, 2000. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 18, 2000, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EK857509614US showing an Austin, TX USPS receipt stamp dated December 18, 2000. The same Express Mail mailing receipt number appears on the Utility Patent Application Transmittal and on the cover sheet for the subject patent application, and includes a statement of express mailing pursuant to the provisions of 37 CFR 1.10.

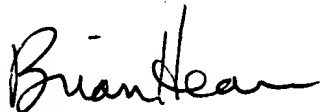
In view of the USPS receipt stamp of December 18, 2000, appearing on the same Express Mail label, it is concluded that the application was deposited as "Express Mail" with the USPS on December 18, 2000.

The petition for a filing date of December 18, 2000 is granted.

A corrected filing receipt showing the filing date of December 18, 2000 accompanies this decision.

Telephone inquiries concerning this matter may be directed to Frances Hicks at (703) 305-8680.

This application is being returned to the Office of Initial Patent Examination for processing with a filing date of December 18, 2000. Afterwards, the application file will be forwarded to Technology Center AU 2152 for examination in due course.

A handwritten signature in black ink, appearing to read "Brian Hearn". The signature is fluid and cursive, with the first name "Brian" and last name "Hearn" clearly distinguishable.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt